

### **REMARKS**

Claims 22-26 are pending in this application. Claims 1-21 have been canceled without prejudice or disclaimer. Claims 22-26 have been newly added and are directed to a method for the treatment of atrophy or aging of the skin.

In view of the following election and remarks, examination on the merits is respectfully requested.

### **RESTRICTION REQUIREMENT**

Applicant elects to continue prosecution of Group III, claim 21, without traverse. In view of the foregoing, Applicant respectfully requests that the Examiner conduct a first examination of the elected claims on the merits. Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

Claims 22-26 are pending in this application. Claims 1-21 have been canceled without prejudice or disclaimer.

In the outstanding Official Action, the Examiner has required restriction of claims 1-21 to a single invention under 35 U.S.C. §121 and 372. Claims 1-21 were subjected to a restriction requirement as follows:

- Group I - Claims 1-10, drawn to a topical skin preparation comprising a testosterone ester with an esterifying acid;
- Group II - Claims 11-20 drawn to a method of preparing a topical skin preparation comprising a testosterone ester with an esterifying acid;

Group III- Claim 21 drawn to a method for the treatment of atrophy or aging of the skin comprising administering a topical skin preparation comprising a testosterone ester with an esterifying acid.

In addition, in the outstanding Official Action, the Examiner has also required election of a single disclosed species. The claims were subjected to a species election as follows:

- (a) A testosterone ester;
- (b) An esterifying acid; and
- (c) An additional therapeutic agent.

Applicants hereby provisionally elect claim 21 without traverse. Applicants hereby provisionally elect "a testosterone ester of an acid having between six to eleven carbon atoms" without traverse. New claims 22-26 are readable on the elected species.

Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

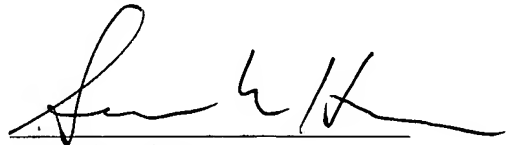
### CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for a first substantive examination. If the Examiner believes the application is not in condition for substantive examination, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

**THE NATH LAW GROUP**

A handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

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